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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/752,214	12/28/2000	Christopher O. Jaynes	JAYC101	9086
21658	7590	05/10/2004	EXAMINER	
DYKAS, SHAVER & NIPPER, LLP P.O. BOX 877 802 WEST BANNOCK STREET, SUITE 405 BOISE, ID 83701			PEREZ, JULIO R	
		ART UNIT		PAPER NUMBER
		2681		
DATE MAILED: 05/10/2004				

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Please find below and/or attached an Office communication concerning this application or proceeding.

PDR

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	09/752,214	JAYNES ET AL.
	<b>Examiner</b>	<b>Art Unit</b>
	Julio R Perez	2681

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 28 December 2000.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-25 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    - a) All    b) Some \* c) None of:
      1. Certified copies of the priority documents have been received.
      2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
      3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____.   |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____. | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|  | 6) <input type="checkbox"/> Other: _____.                                   |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) The invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 1-18, 20-25 are rejected under 35 U.S.C. 102(e) as being anticipated by applicant's submission of prior art Marion (6073840).

Regarding claim 1, Marion teaches an object specific information relaying system, which comprises: one or more beacon devices, each associated with a physical object, for sending a signal which contains information relevant to said physical object (col. 6, lines 15-19, the system comprises several communication electronics within the fueling environment), said beacon device comprising; a power source (col. 8, lines 7-12, power is supplied to the communication electronics through a battery power supply); a transmit signal receiver for receiving a transmit signal, which initiates transmission of a

response signal (col. 5, lines 60-67; col. 6, lines 1-4; col. 6, lines 17-18, the system provides means for initiating transmission); a response signal transmitter, for transmitting said response signal (col. 6, lines 27-34, the interrogator incorporates a transmitter for responses); one or more information receiving devices, which comprises; a transmit signal transmission unit, for sending a transmit signal which initiates transmission of a response signal (col. 6, lines 20-26, the system has a transmitter to respond a signal); a response signal receiving unit for receiving said response signal with first information relevant to said physical object (col. 6, lines 4-14 and lines 41-48, the remote communications device possesses a receiving component for transmitted signals); a display device for displaying said information relevant to said physical object (col. 6, lines 50-57, the remote communications device may be capable of retrieving information; thus, it may comprise a computer, in turn, being able to display); and an internet accessing unit, for sending an access signal to an internet site and downloading information relevant to said physical object as a result of an access signal having been sent (col. 10, lines 52-59, the system comprises means for interfacing with the Internet for downloading related information).

Regarding claim 2, Marion teaches the object specific information relaying system, in which said internet accessing unit is part of said one or more beacon devices (col. 10, lines 56-62, the communications electronics unit has capabilities for accessing the Internet).

Regarding claim 3, Marion teaches the object specific information relaying system, in which said internet accessing unit is part of said one or more receiving

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devices (col. 10, lines 60-67; col. 11, lines 1-6, the remote unit being computing capable, may, indeed, have access to data networks or Internet).

Regarding claim 4, Marion teaches the object specific information relaying system, in which said Internet information is downloaded upon the receipt of said transmit signal (col. 10, lines 52-59, the system acquires information from the Internet per request).

Regarding claim 5, Marion teaches the object specific information relaying system, in which said beacon device includes memory means for storing Internet information prior to transmitting said Internet information (Fig. 7, ref. 170, col. 1, lines 65-67; col. 2, lines 1-4, the electronics communication device is capable of storing information).

Regarding claim 6, Marion teaches the object specific information relaying system, in which said internet information is periodically downloaded at pre-selected intervals, and stored in said memory means for later transmission (Fig. 7, ref. 170, col. 1, lines 65-67; col. 2, lines 1-4, the electronics communication device is capable of storing information).

Regarding claim 7, Marion teaches the object specific information relaying system, in which said information receiving device further comprises a memory means for storing information received by transmission (Fig. 4B, ref. 144, col. 12, line 12, the remote communications device is capable of storing information for transmission).

Regarding claim 8, Marion teaches the object specific information-relaying system in which said display of information is in the form of text-based information (col. 9, lines 2-9, multimedia presentations may be displayed).

Regarding claim 9, Marion teaches the object specific information-relaying system in which said display of information is in the form of audio information (col. 9, lines 2-7, audio may be provided with the system).

Regarding claim 10, Marion teaches the object specific information relaying system in which said display of information is in the form of graphical based information (col. 9, lines 2-9, graphical information may also be shown).

Regarding claim 11, Marion teaches the object specific information-relaying system in which said display of information is in the form of a combined media presentation (col. 9, lines 2-13, media presentation may also be provided).

Regarding claim 12, Marion teaches the object specific information relaying system, in which said display of information is interactive with a user, and further exchanges of information from said information receiving device and said internet website is enabled (col. 40, lines 5-16, access to the Internet is available).

Regarding claim 13, Marion teaches the object specific information relaying system in which said signal receiving device is handheld computing device (col. 6, lines 49-58; col. 20, lines 12-24, a computing device may be utilized for communication with the electronics communication device).

Regarding claim 14, Marion teaches the object specific information relaying system in which said signal receiving device is personal computer (col. 6, lines 49-58, a

computing device may be utilized for communication with the electronics communication device (col. 6, lines 49-58, a computing device may be utilized for communication with the electronics communication device).

Regarding claim 15, Marion teaches the object specific information-relaying system in which said signal is transmitted as an infrared signal (col. 7, lines 55-59, infrared signals are included in the system for communications).

Regarding claim 16, Marion teaches the object specific information-relaying system in which said signal is transmitted as a cell phone technology signal (col. 7, lines 55-59, RF signals, which are typically used in cellular telephony, may be used in the system).

Regarding claim 17, Marion teaches the object specific information-relaying system in which said signal is an optical signal (col. 7, lines 55-61, the system may include other communications signals).

Regarding claim 18, Marion teaches the object specific information relaying system in which said beacon device power source is a battery (col. 8, lines 7-9, battery power is supplied).

#### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

- (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

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Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Marion (6073840) in view of Yamazaki et al. (539091).

Regarding claim 19, Marion teaches all the limitations in claim 1.

Marion does not explicitly disclose the object specific information relaying system in which said beacon device power source is a solar cell.

However, the preceding limitation is known in the art of mobile communications.

Yamazaki et al. teaches a portable computing device that causes a processor to process information and a solar cell for powering the unit (col. 1, lines 52-64; col. 2, lines 31-36 and lines 61-65).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to improve the beacon power source device as taught by Marion by implementing the power source component to accommodate solar energy as taught by Yamazaki et al. because it would provide the system device with means to effectively provide current flow during equipment operation.

Regarding claim 20, Marion teaches the object specific information relaying system in which said response signal is a code which authorizes access by said internet access unit to a website (col. 7, lines 18-22; col. 10, lines 52-59, the system communicates with a remote network for accessing verification or authorization; for instance, for a transaction).

Regarding claim 21, Marion teaches the object specific information relaying system in said web site enables a transfer of funds from a user account to a vendor account (col. 7, lines 18-22, authorization is provided from an external network).

Regarding claim 22, Marion teaches the object specific information relaying system in which said transfer of funds enables a payment complete signal to be sent to said internet access unit, which upon receipt of said payment complete signal relays said payment complete signal to said beacon device, which enables a vending transaction (col. 7, lines 10-22, after authorization is provided the dispenser may supply a service).

Regarding claim 23, Marion teaches an object specific information relaying system, which comprises: one or more beacon devices, each associated with a physical object, for sending a signal which contains information relevant to said physical object (col. 6, lines 15-19, the system comprises several communication electronics within the fueling environment), said beacon device comprising; a power source (col. 8, lines 7-12, power is supplied to the communication electronics through a battery power supply); a transmit signal receiver for receiving a transmit signal, which initiates transmission of an information signal (col. 5, lines 60-67; col. 6, lines 1-4; col. 6, lines 17-18, the system provides means for initiating transmission) ; an internet accessing control logic, for accessing an internet site and downloading internet information from said internet site (col. 10, lines 52-59, the system comprises means for interfacing with the Internet for downloading related information); a memory means for storing internet information prior to transmitting said internet information (Fig. 7, ref. 170, col. 1, lines 65-67; col. 2, lines 1-4, the electronics communication device is capable of storing information); an information transmitter, for transmitting said internet information in an information signal (col. 6, lines 27-34, the interrogator incorporates a transmitter for responses); one or

more information receiving device which is are handheld computing devices which comprises; a transmit signal transmission unit, for sending a transmit signal which initiates transmission of an information signal (col. 6, lines 20-26, the system has a transmitter to respond a signal); an information signal receiving unit for receiving said information signal with internet information relevant to said physical object (col. 6, lines 4-14 and lines 41-48, the remote communications device possesses a receiving component for transmitted signals); a display device for converting said information signal into a display of information relevant to said physical object (col. 6, lines 50-57, the remote communications device may be capable of retrieving information; thus, it may comprise a computer, in turn, being able to display); a memory means for storing information received by transmission (Fig. 4B, ref. 144, col. 12, line 12, the remote communications device is capable of storing information for transmission).

Regarding claim 24, Marion teaches an object specific information relaying system, which comprises: one or more beacon devices, each associated with a physical object, for sending a signal which contains information relevant to said physical object (col. 6, lines 15-19, the system comprises several communication electronics within the fueling environment), said beacon device comprising; a power source (col. 8, lines 7-12, power is supplied to the communication electronics through a battery power supply); a transmit signal receiver for receiving a transmit signal, which initiates transmission of a response signal (col. 5, lines 60-67; col. 6, lines 1-4; col. 6, lines 17-18, the system provides means for initiating transmission); a response signal transmitter, for transmitting a response signal containing coded information which authorized access to

a website (col. 6, lines 27-34, the interrogator incorporates a transmitter for responses); one or more information receiving device which is are handheld computing devices which comprises; a transmit signal transmission unit, for sending a transmit signal which initiates transmission of an information signal (col. 6, lines 20-26, the system has a transmitter to respond a signal); a response signal receiving unit for receiving said response signal from said beacon device (col. 6, lines 4-14 and lines 41-48, the remote communications device possesses a receiving component for transmitted signals); a display device for display of information relevant to said physical object (col. 6, lines 50-57, the remote communications device may be capable of retrieving information; thus, it may comprise a computer, in turn, being able to display); a memory means for storing information received by transmission (Fig. 4B, ref. 144, col. 12, line 12, the remote communications device is capable of storing information for transmission); an internet access unit, for sending an access signal to an internet site and downloading information relevant to said physical object as a result of said access signal having been sent (col. 10, lines 52-59, the system comprises means for interfacing with the Internet for downloading related information); an internet site with information relevant to said physical object, which enables a transfer of funds from a user account to a vendor account upon receipt of said coded information and user authorization (col. 10, lines 56-62, the communications electronics unit has capabilities for accessing the Internet; col. 7, lines 18-22, authorization is provided from an external network; col. 7, lines 18-22, authorization is provided from an external network); wherein said transfer of funds enables a payment complete signal to be sent to said internet access unit, which upon

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receipt of said payment complete signal relays said payment complete signal to said transmission unit, which transmits said payment complete signal to said beacon device, which enables a vending transaction (col. 7, lines 10-22, after authorization is provided the dispenser may supply a service).

Regarding claim 25, Marion teaches a method of communicating object relevant information which comprises the steps of: mounting one or more beacon devices on one or more physical objects, for sending a signal which contains information relevant to said physical object (col. 6, lines 15-19, the system comprises several communication electronics within the fueling environment), said beacon device comprising; a power source (col. 8, lines 7-12, power is supplied to the communication electronics through a battery power supply); a transmit signal receiver for receiving a transmit signal, which initiates transmission of an information signal (col. 5, lines 60-67; col. 6, lines 1-4; col. 6, lines 17-18, the system provides means for initiating transmission); an internet accessing control logic, for accessing an internet site and downloading internet information from said internet site (col. 10, lines 52-59, the system comprises means for interfacing with the Internet for downloading related information); a memory means for storing internet information prior to transmitting said internet information (Fig. 7, ref. 170, col. 1, lines 65-67; col. 2, lines 1-4, the electronics communication device is capable of storing information); an information transmitter, for transmitting said internet information in an information signal (col. 6, lines 27-34, the interrogator incorporates a transmitter for responses); using one or more information receiving devices to access information from said beacon devices, in which said information receiving devices are handheld

computing devices, each of which comprise; a transmit signal transmission unit, for sending a transmit signal which initiates transmission of an information signal (col. 6, lines 20-26, the system has a transmitter to respond a signal); an information signal receiving unit for receiving said information signal with internet information relevant to said physical object (col. 6, lines 4-14 and lines 41-48, the remote communications device possesses a receiving component for transmitted signals); a display device for converting said information signal into a display of information relevant to said physical object (col. 6, lines 50-57, the remote communications device may be capable of retrieving information; thus, it may comprise a computer, in turn, being able to display); a memory means for storing information received by transmission (Fig. 4B, ref. 144, col. 12, line 12, the remote communications device is capable of storing information for transmission); wherein the method further includes the steps of; sending a transmit signal from said transmission unit of one or more of said information receiving devices, to said transmit signal receiver of one or more of said beacon devices (col. 6, lines 20-26, the system has a transmitter to respond a signal); accessing an internet site and downloading internet information to said one or more beacon devices (col. 10, lines 52-59, the system comprises means for interfacing with the Internet for downloading related information); transmitting said internet information in an information signal to said one or more information receiving devices (col. 6, lines 27-34, the interrogator incorporates a transmitter for responses); receiving said information signal in said information receiving devices (col. 6, lines 4-14 and lines 41-48, the remote communications device possesses a receiving component for transmitted signals);

converting said information signal into a display of information (col. 6, lines 50-57, the remote communications device may be capable of retrieving information; thus, it may comprise a computer, in turn, being able to display); and displaying said display of information in one or a combination of text, audio, video, or graphical formats (col. 9, lines 2-9, multimedia presentations may be displayed; col. 9, lines 2-7, audio may be provided with the system; col. 9, lines 2-9, graphical information may also be shown).

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following patents are cited to further show the art with respect to PDAs, Wireless transaction information systems, and Inventory systems.

US Pat. No. 6601039 to Kolls

Control System having access to the Internet

US Pat. No. 5850599 to Seiderman

Portable with credit card debit

US Pat. No. 6466780 to Geiselman et al.

Securing digital communications

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Julio R Perez whose telephone number is (703) 305-8637. The examiner can normally be reached on Monday - Friday, 7:30AM-4:00PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Erika Gary can be reached on (703) 308-0123. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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TEMICA M. DAVIS  
PATENT EXAMINER